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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,536	01/04/2002	Dietrich W. Schultz	109476-77US	9380
27189 7590 05/31/2007 PROCOPIO, CORY, HARGREAVES & SAVITCH LLP 530 B STREET SUITE 2100 SAN DIEGO, CA 92101			EXAMINER VAUGHN, GREGORY J	
			ART UNIT 2178	PAPER NUMBER
			NOTIFICATION DATE 05/31/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@procopio.com  
PTONotifications@procopio.com

## Office Action Summary

Application No.

10/039,536

Applicant(s)

SCHULTZ ET AL.

Examiner

Gregory J. Vaughn

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2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 35 and 37-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 35 and 37-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Action Background*

1. This action is responsive to the Request for Continued Examination filed on 3/19/2007.
2. Applicant has canceled claim 36, and amended claims 35, 42 and 47, and added new claim 48.
3. Claims 35, and 37-48 are pending in the case, claims 35, 42, 47, and 48 are independent claims.
4. A request for continued examination filed under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after a final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action (dated 9/20/2006) has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/20/2006 has been entered.
5. Examiner's rejection of claims 35-39, 41-44, 46 and 47, made under 35 USC 101 in the *Claim Rejections – 35 USC 101* section of the previous office action (dated 9/20/2006) is withdrawn in view of the amended or canceled claims.

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6. Examiner's rejection of claims 35 and 37-47, made under 35 USC 102 in the *Claim Rejections – 35 USC 102* section of the previous office action (dated 9/20/2006) is withdrawn in view of the amended claims.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

8. Claims 35 and 37-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gautestad US Patent 7,039,860, filed 10/1/1999, patented 5/2/2006 in View of Mani et al., US Patent 6,654,734, filed 8/30/2000, patented 11/25/2003.

9. **Regarding independent claim 35**, Gautestad discloses providing a list document that includes a specification of a feature of a linked document, searching a group of linked documents that match the specification, generating a link for the matched document, and adding the link to the list, document. Gautestad recites: "*Queries to the database are processed by script programs which execute a search engine's algorithms to retrieve all the*

*relevant data records from the database that satisfy a specific query from a user. The search engine then returns an HTML-formatted screen image of a list of "hits" to the user who has submitted the query"* (column 2, lines 18-25). See also Figure 3, where a specification is shown at reference sign 200 (shown as "Query A"); and Figure 4A where a link is shown at reference sign 220.

Gautestad discloses updating the list of links when a linked document is added or changed. Gautestad recites: "*This invention relates generally to a method, system, and computer program product for production, revision, and hierarchical organization of electronic documents for local or global electronic network publication in the form of web browser- or word processor-accessible documents containing automatically updated lists with summary information of and hyperlinks to an underlying set of electronic documents with detailed information for each item in a given list*" (column 1, lines 8-15).

Gautestad discloses providing a list document that includes a specification of a feature of a linked document, searching a group of linked documents that match the specification, generating a link for the matched document, adding the link to the list, and updating the links of the list document, as described above. Gautestad fails to disclose the list document including links to both a different document and the same document. Mani is directed to a system for indexing documents. Mani discloses generating a result that includes links to both the same document and a different document. Mani recites: "*An important feature of the query system 10 of this invention is the manner in*

*which data is viewed. An XML document is viewed by the query system as a graph with the "edges" between the graphs used to represent inter-document links. This data model allows queries on content, structure, plus inter-document links and intra-document links" (column 9, lines 46-50).*

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine the indexing inventions of Gautestad and Mani in order to optimize the query process by "indexing both the structure and content of the XML document to minimize the number of steps in the query process" (Mani, column 2, lines 28-29).

10. **Regarding dependent claim 37**, Gautestad disclose the identifying information as a document name in Figure 5A, at reference sign 256 (shown as the file name "c:\picture1.jpg").
11. **Regarding dependent claim 38**, Gautestad discloses generating a link in Figure 4A, at reference sign 220. A link is a pointer to the location of the file and inherently is based on a file system location.
12. **Regarding dependent claim 39**, Gautestad discloses tracking files that are added, deleted or relocated. Gautestad recites: *"This invention relates generally to a method, system, and computer program product for production, revision, and hierarchical organization of electronic documents for local or global electronic network publication in the form of web browser- or word processor-accessible documents containing automatically updated lists with summary information of and hyperlinks to an underlying set of electronic*

*documents with detailed information for each item in a given list*" (column 1, lines 8-15).

13. **Regarding dependent claim 40**, Gautestad discloses updating the list document when the list document is published. Gautestad recites: "*A method, system and computer program product for revising and publishing electronic documents*" (abstract).
14. **Regarding dependent claim 41**, Gautestad discloses updating the list document when a content file is created or changed. Gautestad recites: "*This invention relates generally to a method, system, and computer program product for production, revision, and hierarchical organization of electronic documents for local or global electronic network publication in the form of web browser- or word processor-accessible documents containing automatically updated lists with summary information of and hyperlinks to an underlying set of electronic documents with detailed information for each item in a given list*" (column 1, lines 8-15).
15. **Regarding dependent claim 43**, Gautestad discloses using a location in a file structure as an identifying feature of the linked document. Gautestad recites: "*An ini-file is a text file containing various parameters for the system setup such as, for example, field captions, location of various file types, etc. In NetSpinner, one can allow for other program settings that can be easily modified if the settings were read from various text files, such as ini-files. Such files instructing NetSpinner to update the local website copy only de-*

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*activates the "Update Internet" FTP or HTTP function" (column 15, lines 55-62).*

16. **Regarding claims 42, 47 and 48**, the claims are directed toward a system and a method, respectively, for the method of claim 35, and are rejected with the same rationale.
17. **Regarding claim 44**, the claims is directed toward a system for the method of claim 37, and is rejected with the same rationale.
18. **Regarding claims 45 and 46**, the claims are directed toward a system for the method of claims 40 and 41, respectively, and are rejected with the same rationale.

#### ***Response to Arguments***

19. Applicant's arguments with respect to claim 35 have been considered but are moot in view of the new grounds of rejection, as described above.



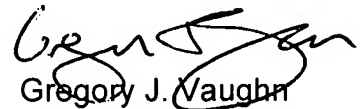
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**Conclusion**

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gregory J. Vaughn  
Patent Examiner  
May 14, 2007